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Tel.: (718) 513-3145

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:
Yekaterina Tumayeva

Case No.: 1-21-40870-jmm
Chapter 11

Debtor.

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**NOTICE OF MOTION OF LAW OFFICES OF ALLA KACHAN, P.C. FOR ALLOWANCE
OF FINAL COMPENSATION AND FOR REIMBURSEMENT OF EXPENSES FOR
SERVICES RENDERED AS COUNSEL FOR THE DEBTOR,
YEKATERINA TUMAYEVA.**

PLEASE TAKE NOTICE that, pursuant to Local Rule 2016, a hearing to consider the application for allowance of fee compensation and reimbursement of expenses shall be conducted before the Honorable Jil Mazer-Marino, United States Bankruptcy Judge, on **December 7, 2022 at 11:30 A.M.** or as soon thereafter as counsel can be heard, in the United States Bankruptcy Court – Eastern District of New York – Brooklyn, 271-C Cadman Plaza East, Courtroom 3529, Brooklyn, New York, 11201. The hearing will be held telephonically or by videoconference on Zoom. All hearing participants must register with eCourt Appearances in advance of all telephonic and videoconference appearances (<https://www.nyeb.uscourts.gov/registering-remote-hearing-appearance-using-ecourt-appearances>). Once registered, eCourt Appearances will email the telephone number and video link for your hearing. You may register for hearings weeks in advance, but the telephone number video link will not be sent to you until **48 hours before the hearing date**. Those registering with eCourt Appearances for hearings less than 48 hours in advance should allow up to 15 minutes after registration to receive the email with the telephone number and video link. Those unable to access eCourt Appearances must email Judge Mazer-Marino's Courtroom Deputy at: jmm_hearings@nyeb.uscourts.gov at least two (2) business days prior to the hearing. Your email

must include your name, the case number(s), who you represent (if you are an attorney), hearing date, and phone number.

PLEASE TAKE FURTHER NOTICE that any objection to the within Motion must be in writing and must state with particularity the grounds of the objection. The objection must be filed with the Clerk of the Bankruptcy Court electronically at www.nyeb.uscourts.gov, and a copy of the objection must be served upon the undersigned counsel for the debtors so as to be received no later than seven (7) day before the hearing date.

Dated: Brooklyn, New York
November 14, 2022

/s/ Alla Kachan
Alla Kachan, Esq.
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In re:
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Case No.: 1-21-40870-jmm
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**FINAL FEE APPLICATION OF LAW OFFICES OF ALLA KACHAN, P.C. FOR
ALLOWANCE OF COMPENSATION AND FOR REIMBURSEMENT OF
EXPENSES FOR SERVICES RENDERED AS COUNSEL FOR THE DEBTOR,
YEKATERINA TUMAYEVA.**

The Law Offices of Alla Kachan, PC (“LOAK”), submits this final fee application (“Application”) in support of an Order, pursuant to sections 327 and 330 of title 11 of the United States code (“Bankruptcy Code”), for allowance of compensation for services rendered, and for reimbursement of expenses incurred, as counsel to Yekaterina Tumayeva, the Debtor herein (“Debtor”), during the period of April 1, 2021 until November 11, 2022 (“Compensation Period”), and respectfully represents as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this case and this Application pursuant to 28 U.S.C. §§157 and 1334. Venue in this District is proper pursuant to 28 U.S.C. §§1408 and 1409.

2. The statutory predicates for the relief sought herein are sections 327 and 330 of the Bankruptcy Code and Rules 2002(a) and 2016 of the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”).

BACKGROUND

3. Debtor commenced the bankruptcy case with the filing of a voluntary petition under

chapter 11 on April 1, 2021. See Voluntary Petition, ECF Doc. No. 1.

4. Debtor has continued in the possession of his property as Debtor in possession, pursuant to 11 U.S.C. §§1108 and 1109.

5. The Debtor is individual residing at 125 Oceana Dr. East # 3C Brooklyn, NY 11235.

6. No committee of unsecured creditors has been appointed in this case.

7. October 10, 2022 the Debtor's Plan of Reorganization (the "Plan") (ECF.: 55) was confirmed by Order of this Court (ECF.: 66).

8. The final allowance for compensation seeks the entry of an Order awarding professional fees in the amount of \$22,031.25, less \$9,000.00 left for post-petition paid by the Debtor, plus reimbursement of out-of-pocket expenses incurred on behalf of Applicant in the amount of \$369.32, which sums aggregate \$13,400.57. The fees and expenses of the Firm in Debtor's estate are more particularly described below and as set forth in Schedule A, annexed hereto. Applicant's time records are annexed hereto and have been provided in accordance with the guidelines established by the Office of the United States Trustee ("US Trustee").

LEGAL SERVICES

9. During the Compensation Period, LOAK performed, among other things, the following services for the Debtor:

- a. Drafted and filed various motions;
- b. Drafted and filed Chapter 11 plan and Disclosure Statement;
- c. Phone calls with accountant for the purpose of acquiring and maintaining professional services;
- d. Phone calls with special counsel for the purpose of pursuing and/or defending claims on behalf of/against the estate;
- e. Client meetings and telephone calls;

f. Court appearances;

10. LOAK maintained written records of the time expended by Alla Kachan, Esq., and her staff in the rendition of its services to the Debtor. (See records showing the date on which the services were performed, the services rendered, the corresponding activity category and the amount of time spent in performing the services during the Compensation Period, Schedule A). Ms. Kachan's fee is \$475.00 an hour and all services were performed by either her or her support staff. The support staff is billed at \$250.00 an hour.

11. The "task" categories used in connection with the Law Office's time records are explained as follows:

a. Draft

i. LOAK uses the activity category "Draft" for services relating to drafting motions and applications, correspondence, or memorandums. LOAK's work within this activity category during the Compensation Period consisted primarily of drafting applications in this matter.

ii. During the Compensation Period, Law Offices expended a total of 58 hours and 30 minutes within this activity category for total fees of \$ 22,031.25.

b. Admin

i. LOAK uses the activity category "Admin" to include all telephone correspondence between attorney and clients, opposing counsels, etc.; filing and serving motions and applications; telephone discussions between either Alla Kachan, Esq. or staff and attorneys, clients, opposing counsels, witnesses, etc.

ii. During the Compensation Period, LOAK expended a total of 58 hours and 30 minutes within this activity category, billed at the above-mentioned rates for attorney (32 hours 55 minutes at \$475.00 an hour) and staff (25 hours and 35 minutes at \$250.00 an hour) for total fees of \$ 22,031.25.

UPS Charges

iii. Shipping charges at \$369.32.

12. Aggregating the time spent for all categories as identified above, LOAK devoted 58 hours and 30 minutes in professional services during the Compensation Period in its representation of the Debtor in this case for total fee of \$22,031.25, less \$9,000.00 left for post-petition, plus shipping charges of \$369.32 for total fee of \$13,400.57.

13. The following chart reflects the total time spent on the case by each professional during the Compensation Period:

Professional	Year Admitted	Hourly Rate	Hours	Total Fees
Alla Kachan	2003	\$475.00	32 hr. 55 min	\$15,635.41
Paralegal		\$250.00	25 hr. 35 min	\$6,395.84

14. As set forth herein, and in the certification of Alla Kachan, Esq., annexed hereto, it is respectfully submitted that this Application is in compliance with the Bankruptcy Code, the Bankruptcy Rules, and the United States Trustee's guidelines.

COMPENSATION FOR SERVICES RENDERED DURING THE COMPENSATION PERIOD

15. Pursuant to Section 327 of the Bankruptcy Code, the Trustee, with the court's approval, may employ, for a specific purpose, other than to represent the trustee in conducting the case, an attorney that has represented the debtor, if in the best interest of the estate, and if such attorney does not represent or hold any interest adverse to the Debtor or to the estate with respect to the matter on which such attorney is to be employed. 11 U.S.C. §327. Under Section 330(a) of the Bankruptcy Code, the court may award a professional "reasonable compensation for actual, necessary services rendered" by such professional and "reimbursement for actual, necessary expenses." 11 U.S.C. §330.

16. The factors to be considered in awarding attorneys' fees were enumerated in *In re First Colonial Corporation of America*, 544 F.2d 1291, 1298-99 (5th Cir.) , cert. denied, 431 U.S. 904, 97

S.Ct. 1696, 52L.Ed.2d 388 (1977), as follows: (a) the time and labor required; (b) the novelty and difficulty of questions; (c) the skill requisite to perform the legal services properly; (d) the preclusion of other employment due to acceptance of the case; (e) the customary fee; (f) whether the fee is fixed or contingent; (g) time limitations imposed by the client or other circumstances; (h) the amount involved and the results obtained; (i) the experience, reputation and ability of the attorneys; (j) undesirability of the case; and (k) the nature and length of the professional relationship. The clear Congressional intent and policy expressed in this section is to provide for adequate compensation in order to continue to attract qualified and competent practitioners to bankruptcy cases. *Id.*

17. LOAK submits that the fees set forth herein are reasonable for the work performed in this case under the circumstances. All of the services for which compensation is sought herein were rendered for and on behalf of the Debtor, and not on behalf of any other entity. The professional services rendered by LOAK required a high degree of professional competence and expertise so that the issues requiring evaluation and action by the Debtor during the Compensation Period could be attended to with skill and dispatch. It is respectfully submitted that the services rendered by LOAK to the Debtor were performed efficiently, effectively and economically, with good results, and have helped prove and effectively document the Debtor's claims. LOAK, has, in connection with its representation, attempted to minimize costs as much as possible.

18. As discussed herein, LOAK diligently represented the interests of the Debtor during the Compensation Period while working to review and dispute any inconsistencies in claims, pleadings and documentation proffered. Accordingly, LOAK submits that, considering the factors outlined above, the requested allowance of compensation as set forth herein is appropriate.

CONCLUSION

19. Because there are no novel issues of law presented by this Application and the relevant points of authorities have been set forth herein, LOAK respectfully requests that the Court waive any requirement that LOAK submit a memorandum of law in support of this Application.

20. No arrangement has been made, directly or indirectly, and no understanding exists, for a division of compensation herein between LOAK and any other person, whether or not contrary to the provisions of the Bankruptcy Code, the Bankruptcy Rules, or any other provision of federal or state law.

WHEREFORE, LOAK respectfully requests that this Court enter an Order:

- (1) Approving of Allowed Compensation in the amount of \$22,031.25, less \$9,000.00 left for post-petition paid by the Debtor for professional services rendered by LOAK as counsel to the Debtor, plus reimbursement of expenses of \$369.32 during the Compensation Period;
- (2) Granting such other and further relief as this Court may deem just and proper.

WHEREFORE, it is respectfully requested that Applicant be awarded compensation in the sum of \$22,031.25, less \$9,000.00 left for post-petition paid by the Debtor for services rendered and \$369.32 for reimbursement of expenses.

Dated: Brooklyn, New York
November 14, 2022

/s/ Alla Kachan
By: Alla Kachan, Esq.
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2799 Coney Island Avenue, Ste 202
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:
Yekaterina Tumayeva

Case No.: 1-21-40870-jmm
Chapter 11

Debtor.

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**CERTIFICATION OF APPLICATION FOR ALLOWANCE OF FINAL FEE
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

1. I, Alla Kachan, have been designated by the Law Offices of Alla Kachan, PC (the “Applicant”) as the professional with responsibility in this case for compliance with General Order 613: Guidelines for Fees and Disbursements for Professionals in Eastern District of New York Bankruptcy Cases (the “Guidelines”).

2. I have read the Applicant’s application for compensation and reimbursement of expenses (the “Application”). The Application complies with the Guidelines, and the fees and expenses sought fall within the Guidelines, except as specifically noted in this certification and described in the Application.

3. The fees and expenses sought are billed at rates and in accordance with practices customarily employed by the Applicant and generally accepted by the Applicant’s clients.

4. In seeking compensation for the expenditures described in the application for such, the Applicant is seeking compensation only for the actual cost to provide a profit or to recover the amortized cost of investment in staff time or equipment or capital outlay (except to the extent that the Applicant has elected to charge for in-house photocopies and outgoing facsimile transmissions at the maximum rates permitted by the Guidelines).

5. In seeking reimbursement for any service provided by a third party, the Applicant is seeking reimbursement only for the amount actually paid by the Applicant to the third party.

6. The following are the variances with the provisions of the Guidelines, the date of each court order approving the variance, and the justification for the variance: NONE.

7. The United States Trustee, trustee, Debtor, and other interested parties have been provided with a statement of fees and disbursements that is the subject of the Application.

Dated: Brooklyn, New York
November 14, 2022

/s/ Alla Kachan

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Yekaterina Tumayeva

Case No.: 1-21-40870-jmm

Chapter 11

Debtor.

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**ORDER GRANTING APPLICATION FOR ALLOWANCE OF FINAL
COMPENSATION AND REIMBURSEMENT OF EXPENSES OF LAW OFFICES
OF ALLA KACHAN, P.C.**

Upon consideration of Application for Allowance of Final Compensation and Reimbursement of Expenses (the “Application”) dated November 14, 2022 for professional services rendered and expenses incurred during the period commencing April 1, 2021 until November 11, 2022 in the sum of \$22,031.25, less \$9,000.00 left for post-petition paid by the Debtor for services rendered, and \$369.32 for reimbursement of expenses;

And a hearing to be held before this Court to consider the Application on **December 7, 2022**;

And notice have been given pursuant to Federal Rules of Bankruptcy Procedure 2002(a)(7) and (c)(2);

And due consideration having been given to any responses thereto; and sufficient cause having been shown therefor; it is hereby

ORDERED, that the Application is granted to the extent set forth in the Exhibit A.

Schedule A

Case No.: 1-21-40870-jmm

Case Name: Yekaterina Tumayeva

FINAL FEE PERIOD

Applicant	Fees Requested on Application	Fees Allowed	Left for post-petition	Fees to be paid for current pay period	Final fees allowed	Final fees are to be paid	Expenses Requested	Expenses to be paid for current fee period
Law Offices of Alla Kachan, PC	\$22,031.25	\$22,031.25	\$9,000.00	\$13,400.57	\$22,031.25	\$13,400.57	\$369.32	\$369.32

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Case No.: 1-21-40870-jmm
 Case Name: Yekaterina Tumayeva

FINAL FEE PERIOD

Date	Description	Rate	Time spent	Amount
4/1/2021	Filing Certificate of Credit Counseling for Debtor	250	10 min	\$41.67
4/1/2021	Filing Employee Income Records / Copies of Pay Statements	250	10 min	\$41.67
4/12/2021	Sending an email to the client regarding mortgage payments	475	10 min	\$79.16
4/13/2021	Sending an email to the client regarding rental income letter	475	10 min	\$79.16
4/13/2021	Phone call with the client re case administration	475	5 min	\$39.58
4/19/2021	Drafting and filing Motion to Set Last Day to File Proofs of Claim	250	1	\$250.00
4/26/2021	Sending an email to the client. Request for documents	250	5 min	\$20.83
4/26/2021	Sending an email to the client regarding Court hearings	250	5 min	\$20.83
4/26/2021	Sending an email to the Office of the US Trustee. Document production	250	30 min	\$125.00
4/28/2021	Sending an email to the Office of the US Trustee. Document production	250	5 min	\$20.83
5/5/2021	Court appearance/ Initial Status Hearing	475	1	\$475.00
5/6/2021	Appearance at Initial Debtor's Interview	475	1	\$475.00
5/7/2021	Sending an email to the Office of the US Trustee. Document production	250	5 min	\$20.83
5/10/2021	Phone call with a client re Meeting of Creditors 341(a) meeting	475	15 min	\$118.75
5/10/2021	Meeting of Creditors 341(a) appearance	475	1	\$475.00
5/12/2021	Serving Bar date Order, drafting and filing Affidavit of service	250	45 min	\$187.50
5/24/2021	Sending an email to the Office of the US Trustee. Document production	250	15 min	\$62.50
5/28/2021	Sending an email to the client regarding related entity reports	250	5 min	\$20.83
6/9/2021	Sending an email to the Office of the US Trustee regarding related entity reports	250	5 min	\$20.83
6/28/2021	Reviewing, redacting and filing MOR for Filing Period May 2021	250	20 min	\$83.34
6/30/2021	Court appearance/ Status Hearing	475	1	\$475.00
7/1/2021	Drafting and filing an Application to Employ Law Offices of Alla Kachan	250	1	\$250.00
7/20/2021	Phone call with a creditor re possible re settlement	475	10 min	\$79.16
8/4/2021	Making legal research to prepare Answer to the Complaint of American Express	250	3	\$750.00
8/4/2021	Drafting Answer to the Complaint of American Express	475	1	\$475.00
8/5/2021	Filing Answer to the Complaint of American Express	250	5 min	\$20.83
8/9/2021	Serving Answer to the Complaint of American Express, drafting and filing AoS	250	45 min	\$187.50
8/16/2021	Reviewing, redacting and filing MOR for Filing Period June 2021	250	20 min	\$83.34
8/16/2021	Reviewing, redacting and filing MOR for Filing Period July 2021	250	20 min	\$83.34
8/18/2021	Court appearance/ Status Hearing/Pre-Trial Conference	475	1	\$475.00

8/24/2021	Phone call with the client re case administration	475	5 min	\$39.58
8/27/2021	Sending an email to a creditor re settlement offer	250	5 min	\$20.83
9/10/2021	Phone call with the client re case administration	475	5 min	\$39.58
9/13/2021	Sending an email to a creditor re settlement offer	250	5 min	\$20.83
10/5/2021	Drafting and filing a Letter of Adjournment	250	20 min	\$83.34
10/6/2021	Sending an email to a creditor re settlement offer	250	5 min	\$20.83
10/6/2021	Court appearance/ Status Hearing	475	1	\$475.00
10/7/2021	Reviewing, redacting and filing MOR for Filing Period August 2021	250	20 min	\$83.34
10/7/2021	Reviewing, redacting and filing MOR for Filing Period September 2021	250	20 min	\$83.34
10/14/2021	Reviewing a Stipulation with American Express	475	30 min	\$237.50
10/25/2021	Phone call with a creditor re possible re settlement	475	20 min	\$158.33
12/1/2021	Reviewing, redacting and filing MOR for Filing Period October 2021	250	20 min	\$83.34
12/2/2021	Drafting and filing a Letter of Adjournment	250	25 min	\$104.16
12/6/2021	Phone call with a creditor re possible re settlement	475	5 min	\$39.58
12/22/2021	Court appearance/ Status Hearing/Pre-Trial Conference	475	1	\$475.00
12/27/2021	Reviewing, redacting and filing MOR for Filing Period November 2021	250	20 min	\$83.34
2/9/2022	Reviewing, redacting and filing MOR for Filing Period December 2021	250	20 min	\$83.34
2/9/2022	Court appearance/ Status Hearing/Pre-Trial Conference	475	1	\$475.00
1/4/2022	Drafting Stipulation re American Express settlement	475	1.5	\$712.50
1/4/2022	Sending an email to a creditor re stipulation	250	5 min	\$20.83
1/18/2022	Revising a Stipulation re American Express settlement	475	20 min	\$158.33
2/1/2022	Sending an email to a creditor re stipulation	250	5 min	\$20.83
2/17/2022	Sending an email to a creditor re stipulation	250	5 min	\$20.83
3/10/2022	Sending an email to a creditor re stipulation	250	5 min	\$20.83
3/16/2022	Drafting Motion to Approve Stipulation between the Debtor and American Express	475	1.5	\$712.50
3/16/2022	Filing and serving Motion to Approve Stipulation, drafting and filing AoS	250	50 min	\$208.33
3/25/2022	Reviewing, redacting, and filing MOR for Filing Period January 2022	250	20 min	\$83.34
3/25/2022	Reviewing, redacting, and filing MOR for Filing Period February 2022	250	20 min	\$83.34
4/6/2022	Court appearance/ Status Hearing/Pre-Trial Conference	475	1	\$475.00
4/27/2022	Sending an email to a client re payment to American Express	250	10 min	\$41.67
4/28/2022	Phone call with the client re case administration and payment to American Express	475	10 min	\$79.16
6/8/2022	Sending an email to the client. Request for documents	250	5 min	\$20.83
6/13/2022	Reviewing, redacting and filing MOR for Filing Period March 2022	250	20 min	\$83.34
6/13/2022	Reviewing, redacting and filing MOR for Filing Period April 2022	250	20 min	\$83.34
6/13/2022	Reviewing, redacting and filing MOR for Filing Period May 2022	250	20 min	\$83.34
6/14/2022	Drafting Chapter 11 Plan	475	3	\$1,425.00
6/14/2022	Filing Chapter 11 Plan	250	20 min	\$83.33
6/14/2022	Drafting Disclosure Statement Revised, with Exhibits	475	4	\$1,900.00
6/14/2022	Filing Disclosure Statement Revised, with Exhibits	250	20 min	\$83.33
6/14/2022	Drafting and filing Notice of Hearing on Disclosure Statement	250	30 min	\$125.00
6/15/2022	Court appearance/ Status Hearing	475	1	\$475.00
6/17/2022	Serving Ch 11 Plan, DS and a Notice drafting and filing AoS	250	45 min	\$187.50

7/15/2022	Drafting Letters re Authorization to accept mortgage payments, sending an email to the Bank	250	30 min	\$125.00
7/20/2022	Drafting and filing a Letter of Adjournment	250	20 min	\$83.34
7/27/2022	Reviewing, redacting and filing MOR for Filing Period June 2022	250	20 min	\$83.34
7/27/2022	Court appearance/ Status Hearing/DS	475	1	\$475.00
8/12/2022	Drafting Amended Chapter 11 Plan	475	2	\$950.00
8/12/2022	Filing Amended Chapter 11 Plan	250	20 min	\$83.33
8/12/2022	Drafting Amended Disclosure Statement Revised, with Exhibits	475	2.5	\$1,187.50
8/12/2022	Filing Amended Disclosure Statement Revised, with Exhibits	250	20 min	\$83.33
8/25/2022	Serving Ch 11 Plan, DS and an Order drafting and filing AoS	250	45 min	\$187.50
9/14/2022	Sending a ballot to a creditor by email	250	5 min	\$20.83
9/19/2022	Sending a ballot to creditors by email	250	10 min	\$41.66
9/21/2022	Drafting Affidavit Re: in support of Chapter 11 Plan	475	30 min	\$237.50
9/21/2022	Filing Affidavit Re: in support of Chapter 11 Plan	250	5 min	\$20.83
9/21/2022	Drafting and Filing Certificate as to Balloting	250	30 min	\$125.00
9/22/2022	Serving Affidavit in Support and Certificate as to Balloting	250	35 min	\$145.84
9/27/2022	Reviewing, redacting and filing MOR for Filing Period July 2022	250	20 min	\$83.34
9/27/2022	Reviewing, redacting and filing MOR for Filing Period August 2022	250	20 min	\$83.34
9/27/2022	Sending an email to the client re court hearing	250	5 min	\$20.83
9/28/2022	Court appearance/ Status Hearing/Ch 11 Plan confirmation	475	1	\$475.00
10/13/2022	Sending an email to the client re plan payments	250	5 min	\$20.83
10/15/2022	Sending an email to a creditor re executed Settlement agreement	250	20 min	\$83.33
11/3/2022	Drafting, filing and serving NOTICE OF THE EFFECTIVE DATE OF DEBTORS CHAPTER 11 PLAN	250	1	\$250.00
11/7/2022	Drafting and filing AoS re NOTICE OF THE EFFECTIVE DATE	250	15 min	\$62.50
11/9/2022	Reviewing, redacting and filing MOR for Filing Period September 2022	250	20 min	\$83.34
11/11/2022	Drafting Final compensation Application regarding Attorney's fee	475	1.5	\$712.50
11/11/2022	Drafting Final Decree Application	475	1	\$475.00
4/1/2021	through 11/11/2022 - Telephonic communication with paraprofessional staff regarding case administration	250	2	\$500.00
				\$22,031.25
	Left post-petition			\$9,000.00
				\$13,031.25
	USPS			\$369.32
	Outstanding Balance			\$13,400.57